

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17251 of 2018**

Arising Out of PS. Case No.-550 Year-2013 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Arun Kumar Son of Sri Anandi Prasad Singh, Resident of Village- Kool, P.O.-
Nalanda, P.S.- Nalanda, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajnandan, Officer In-charge of Police Station- Nalanda, District- Nalanda.
3. Raj Kishore Singh, A.S.I. of Police Station- Nalanda, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Sri Jharkhandi Upadhyay

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT**

Date : 17-05-2019

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 28.07.2016, passed by the Judicial Magistrate, 1st Class, Bihar Sharif in Complaint Case No. 550 C of 2013, whereby and whereunder the complaint petition under section 203 Cr. P. C. has been dismissed .

Learned counsel appearing for the petitioner submits that the learned Chief Judicial Magistrate finding the case true, transferred the case under section 204 Cr.P.C., and as



such, the learned Magistrate had no right to dismiss the complaint petition under section 203 Cr.P.C. It is further submitted that the learned Sub Divisional Judicial Magistrate, Nalanda had called for a report from the Dy. S.P. and on basis of such report dismissed the complaint petition filed by the petitioner, which is wholly illegal, uncalled for and without jurisdiction.

It appears that the Magistrate got the matter inquired by the Dy. S.P. In the report, Dy. S.P reported that the opposite party no. 2 was not present in the Station on the alleged date of occurrence and had gone out New Delhi for investigation purpose. On the basis of the said report, the Magistrate found that there is lack of material to even establish offences prima facie, and accordingly, dismissed the complaint petition of the petitioner.

Having heard the learned counsels appearing for the parties and on perusal of the record, this Court does not find any infirmity in the order passed by the learned Magistrate warranting interference of this Court in its extraordinary jurisdiction under section 482 of the Code of Criminal Procedure. The prayer for quashing the impugned order is refused.



The application, accordingly, stands dismissed.

(Arvind Srivastava, J)

mcv/-

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